

### REMARKS

The non-final Office Action issued March 19, 2004 has been reviewed and the comments of the U.S. Patent and Trademark Office have been considered. Claim 1 has been amended. Claims 3-5 were canceled without prejudice or disclaimer in the Amendment filed 18 August 2003. Claims 6-9 and 20 were canceled without prejudice or disclaimer in the respective amendments filed August 09, 2001 and May 06, 2002. Claims 10-19 have been allowed. Claims 21-23, pursuant to a restriction requirement issued 20 December 2002, have been canceled without prejudice or disclaimer. Accordingly, applicants request reconsideration of the pending claims 1, 2, and 10-19.

Applicants thank the Examiner for indicating that claims 10-19 have been allowed.

The specification is objected for failing to provide antecedent basis for the claimed feature of "a portion of the slot is tangential to the central aperture" recited in claim 10. Applicant respectfully submits that this feature is supported by the originally filed specification. For example, as described in the amendment to the specification in the Amendment After Final filed September 13, 2002, and shown in Figure 4A (reproduced at right), slot 100 has a portion tangential to the central aperture 92. Because the specification provides antecedent basis for the claimed feature, this objection is inappropriate and should be withdrawn.

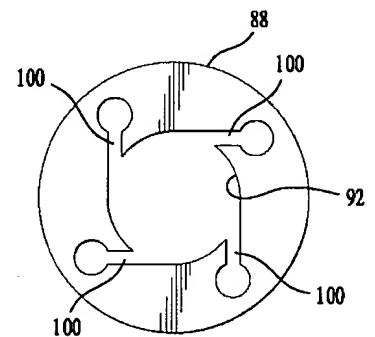


FIG. 4A

Claims 1 and 2 stand rejected under 35 U.S.C. § 112, first paragraph as failing to evidence that the inventors had possession of claimed feature of a "seat with a generator forms a fluid-tight assembly." Applicants respectfully submit that, at the filing of the application, the inventors had possession of the claimed feature. For example, as shown in Figure 1 (a portion of which is reproduced below), the seat 64 and a swirl generator (unlabeled) forms an assembly which prevents fluid flow (i.e., a fluid tight assembly) out of the fuel injector until a needle 68 is moved away from the seat 64 to permit fuel

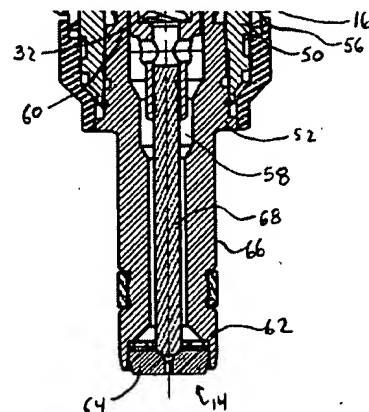


FIG. 1

to flow through an aperture of the seat 64. Consequently, one skilled in the art would appreciate that the originally filed disclosure, including the drawings, as originally-filed, provide for the claimed features so as to clearly convey that the inventors had possession of the claimed invention as a whole. In an effort to expedite prosecution of the application, applicants have amended claim 1 to recite that the seat with the swirl generator forms an assembly welded to the body. Support for this amendment is provided in the originally filed application at, for example, page 7, lines 1-6. Accordingly, this rejection should be withdrawn.

Therefore claims 1 and 2 are now in condition for allowance, and the application should be allowed.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully request entry, consideration of the application and prompt allowance of the pending claims. Applicants respectfully invite the Examiner to contact the undersigned at (202) 739-5203 if there are any outstanding issues that can be resolved via a telephone conference.

**EXCEPT** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Date: June 18, 2004

By:

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Khoi Q. Ta  
Reg. No. 47,300

**Customer No. 009629**

**MORGAN, LEWIS & BOCKIUS LLP**

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

202.739.3000